



PUBLIC NOTICE

Federal Communications Commission
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DA 07-2291
June 1, 2007

PLEADING CYCLE ESTABLISHED FOR COMMENTS ON QWEST'S PETITIONS FOR FORBEARANCE IN THE DENVER, MINNEAPOLIS-ST. PAUL, PHOENIX, AND SEATTLE METROPOLITAN STATISTICAL AREAS

WC Docket No. 07-97

Comments Due: July 17, 2007

Reply Comments Due: August 16, 2007

On April 27, 2007, Qwest Corporation (Qwest) filed four separate petitions pursuant to section 10 of the Communications Act of 1934, as amended (the Act),¹ requesting that the Commission forbear from applying to Qwest certain obligations in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas (MSAs).² Specifically, according to its Petitions, Qwest seeks forbearance from loop and transport unbundling obligations pursuant to sections 251(c) and 271(c)(2)(B)(ii) of the Act, and section 51.319(a), (b), (e) of the Commission's rules.³ For mass market and enterprise services, Qwest also seeks forbearance from Part 61 dominant carrier tariffing requirements (47 C.F.R. §§ 61.32, 61.33, 61.38, 61.58, 61.59); Part 61 price cap regulation (47 C.F.R. §§ 61.41-61.49); *Computer III* requirements, including CEI and ONA requirements; and dominant carrier requirements arising under section 214 of the Act and Part 63 of the Commission's rules concerning the processes for acquiring lines, discontinuing services, assignment or transfers of control, and acquiring affiliations (47 C.F.R.

¹ See 47 U.S.C. § 160.

² Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Colorado Metropolitan Statistical Area, WC Docket No. 07-97 (filed Apr. 27, 2007) (Qwest Denver Petition); Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Minneapolis-St. Paul, Minnesota Metropolitan Statistical Area, WC Docket No. 07-97 (filed Apr. 27, 2007) (Qwest Minneapolis-St. Paul Petition); Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area, WC Docket No. 07-97 (filed Apr. 27, 2007) (Qwest Phoenix Petition); Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Seattle, Washington Metropolitan Statistical Area, WC Docket No. 07-97 (filed Apr. 27, 2007) (Qwest Seattle Petition) (collectively, Qwest Petitions). On May 3, 2007, Qwest filed an errata to its petitions to make certain corrections in its filings. See Letter from Melissa E. Newman, Vice President – Federal Regulatory, Qwest, to Marlene H. Dorich, Secretary, Federal Communications Commission, WC Docket No. 07-97 (filed May 3, 2006).

³ 47 U.S.C. §§ 251(c), 271(c)(2)(B)(ii); 47 C.F.R. § 51.319(a), (b), (e).

§§ 63.03, 63.04, 63.60-63.66).⁴ Qwest claims that multiple competitive alternatives are available to mass market and enterprise customers alike, including wireline and cable-based services. Qwest adds that intermodal competitive competition, particularly from wireless and voice over Internet Protocol (VoIP) providers is more advanced than it was in the Omaha MSA in 2005, when the Commission adopted the *Omaha Order*.⁵

This Public Notice establishes certain procedural requirements relating to consideration of the Qwest Petitions. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.45 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.45, 1.419, interested parties may file comments on the Qwest Petitions for forbearance on or before July 17, 2007 and reply comments on or before August 16, 2007. All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Janice M. Myles, Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C327, Washington, DC 20554, or via e-mail janice.myles@fcc.gov; and one (1) copy must be sent to Best Copy and Printing, Inc., 445 12th Street, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable

⁴ See, e.g., Qwest Denver Petition at 3; Qwest Minneapolis-St. Paul Petition at 3-4; Qwest Phoenix Petition at 3-4; Qwest Seattle Petition at 3-4.

⁵ See, e.g., Qwest Denver Petition at 1; Qwest Minneapolis-St. Paul Petition at 1; Qwest Phoenix Petition at 1; Qwest Seattle Petition at 1 (citing *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, Memorandum Opinion and Order, 20 FCC Rcd 19415 (2005), *dismissed in part, denied in part, Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007)).

docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

For further information regarding this proceeding, contact Denise Coca, Competition Policy Division, Wireline Competition Bureau, (202) 418-0574, or Jeremy Miller, Competition Policy Division, Wireline Competition Bureau, (202) 418-1507.

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